

Message Text

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ACTION EB-08

INFO OCT-01 EA-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SS-15
NSC-05 /054 W
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R 050849Z JUN 78
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC PRIORITY 8486

C O N F I D E N T I A L SECTION 01 OF 02 TOKYO 10098

E.O. 11652: GDS
TAGS: EAIR, JA
SUBJECT: CIVAIR: GOJ RESPONDS TO APRIL 13 AIDE MEMOIRE;
REQUESTS IMMEDIATE RECTIFICATION OF FIFTH FREEDOM "ABUSE"

REF: (A) TOKYO 6539, (B) STATE 93128

SUMMARY: IN NOTE VERBALE, GOJ HAS REITERATED ITS BASIC POSITION THAT PRESENT INEQUALITIES IN THE CIVAIR AGREEMENT MUST BE CORRECTED BEFORE NEW U.S. CONCERNS, E.G., LOW FARES, LIBERALIZED CHARTERS, CAN BE ADDRESSED. PENDING NEXT ROUND, GOJ SPECIFICALLY REQUESTS U.S. REFRAIN FROM APPLYING FOR NEW CARRIER ENTRY TO JAPAN, ADDING BEW SERVICE POINTS AND INCREASING FLIGHTS BEYOND PRESENT SLOTS. BOTH IN WRITING AND ORALLY GOJ HAS STRONGLY REQUESTED THAT U.S. TAKE IMMEDIATE ACTION TO STOP "ABUSE" OF FIFTH FREEDOM. MOFA STATED THAT OVERALL SENSE OF FRUSTRATION IS RISING ON THE JAPANESE SIDE; EMBOFF COMMISERATED THAT WE FEEL THE SAME WAY. IN SEPARATE CONVERSATION, NW TOLD US IT PLANS TO STAND BY ITS JUNE 8 FILING IN MEETING WITH JCAB ON JUNE 6; WE HAVE ENCOURAGED THEM TO DO SO, THOUGH IMMEDIACY OF ISSUE IS ADMITTEDLY DILUTED BY FACT THAT NO NW PLANES ARE FLYING. END SUMMARY.

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1. ON JUNE 3 MOFA CALLED IN EMBOFF TO PRESENT GOJ NOTE VERBALE RESPONSE TO U.S. APRIL 13 AIDE MEMOIRE. NOTE VERBALE EXPRESSES GOJ'S "DEEP REGRET" THAT NOTHING WAS ACHIEVED IN THE MARCH ROUND OF NEGOTIATIONS AND REITERATES BASIC, UNCHANGED GOJ POSITION THAT PRESENT IMBALANCES IN CIVAIR AGREEMENT MUST BE CORRECTED BEFORE NEW U.S. CONCERNS, E.G., LOW FARES, LIBERALIZED CHARTERS,

CAN BE ADDRESSED.

2. NOTE CALLS FOR ONE AIRLINE PER COUNTRY PER ROUTE, REFERS TO NEED TO ABROGATE BADLY OUT-OF-DATE 1959 AGREED MINUTES AND CALLS FOR "IMMEDIATE DISCONTINUATION" OF FIFTH FREEDOM OVERNIGHTS. IN REGARD TO AIRPORT CAPACITY, GOJ NOTES THAT U.S. CARRIERS, SO FAR, HAVE BEEN GIVEN "VERY ADVANTAGEOUS" TREATMENT COMPARED TO JAPANESE AND OTHER CARRIERS AND THAT THIS SITUATION MIGHT HAVE TO BE "CORRECTED" IF OTHER BASIC IMBALANCES ARE ALLOWED TO CONTINUE.

3. NOTE THEN REAFFIRMS GOJ REJECTION OF LOW-FARE FILINGS, REMINDS U.S. THAT SUPPLEMENTARY CHARTER FLIGHTS FALL OUTSIDE PRESENT AGREEMENT AND STATES THAT GOJ VIEWS RE AIRPORT USER CHARGES AND IMPORT CARGO HANDLING REMAIN UNCHANGED. NOTE CLOSES BY REQUESTING THAT UNTIL NEXT ROUND U.S. REFRAIN FROM APPLYING FOR ENTRY FOR NEW CARRIERS, ADDING NEW POINTS OR INCREASING FLIGHTS BEYOND THE PRESENT SLOT FRAMEWORK. REQUEST THAT U.S. TAKE IMMEDIATE ACTION TO HALT "MISUSE" OF FIFTH FREEDOM IS ALSO REPEATED.

4. DURING HIS ORAL PRESENTATION FIRST NORTH AMERICA DIV DIRECTOR WATANABE BRIEFLY TOUCHED ALL POINTS BUT SINGLED OUT LOW FARES, RELAXED CHARTER RULES, AND NORTHWEST'S FIFTH FREEDOM OVERNIGHTS FOR PARTICULAR CONFIDENTIAL

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DISCUSSION. HE STRESSED THAT PAA AND NW'S MARCH LOW-FARE FILINGS WERE "COMPLETELY UNACCEPTABLE" SINCE JAL CANNOT COMPETE ON ALL THE ROUTES; THE GOJ WOULD BE WILLING TO DISCUSS THE PAN AM BUDGET FARE FURTHER IF THE U.S. DESIRED TO DO SO BUT THE OTHER TWO WERE "UNACCEPTABLE." HE NOTED THAT JAPAN CANNOT ACCEPT THE MASSIVE RELAXATION OF CHARTER RULES SOUGHT BY THE U.S. SINCE THERE IS A "STRONG POSSIBILITY" OF DISTURBING THE PRESENT MARKET.

5. WATANABE THEN DWELLED AT SOME LENGTH ON THE "ABUSE" OF FIFTH FREEDOM BY NW. HE STATED THAT ALTHOUGH THE PROBLEM HAD BEEN RAISED SEVERAL TIMES, NO SOLUTION HAD BEEN FOUND AND HE URGED THAT THE U.S. TAKE "IMMEDIATE ACTION" TO TERMINATE NORTHWEST'S OVERNIGHT STAYS ENROUTE TO SEOUL AND TO REDUCE THE LOCAL TRAFFIC RATIO BELOW 50 PERCENT. HE STATED THAT NORTHWEST'S JUNE 8 FILING, EVEN AS AMENDED, WAS NOT RESPONSIVE TO THESE CONCERNS AND VIOLATED THE MUTUAL DESIRE FOR "PEACEFUL AND HARMONIOUS" AVIATION RELATIONS EXPRESSED AT THE CLOSE OF THE MARCH TALKS. WATANABE SAID THAT THE PROBLEM COULD BE SOLVED BY NW'S SEOUL FLIGHT DEPARTING MINNEAPOLIS A FEW HOURS EARLIER. WHEN EMBOFF INQUIRED

WHETHER THIS WAS FORMAL REJECTION OF NW'S AMENDED
JUNE 8 FILING WATANABE INDICATED HE PREFERRED TO CALL
IT A "REQUEST FOR RECONSIDERATION" BUT THAT WE COULD
CALL IT WHAT WE LIKED. IN CLOSING, HE INDICATED THAT
SENSE OF FRUSTRATION WAS RISING ON THE JAPANESE SIDE;
EMBOFF ASSURED HIM THAT WE SAW LITTLE PROGRESS
IN GOJ RESPONSE AND THAT FRUSTRATION WAS INDEED MUTUAL.

6. IN SEPARATE CONVERSATION, NORTHWEST TOLD US THAT
JCAB CALLED THEM IN JUNE 2 AND ASKED THAT THEY MODIFY

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C O N F I D E N T I A L SECTION 02 OF 02 TOKYO 10098

THEIR JUNE 8 FILING TO DO AWAY WITH TOKYO OVERNIGHTS
AND TWO EXTRA SEOUL FREQUENCIES. JCAB SUGGESTED THAT
NW AT LEAST PROMISE A DATE BY WHICH OVERNIGHTS
WOULD BE TERMINATED. NW REFUSES TO DO SO AND PLANS
TO STAND BY THEIR JUNE 8 FILING IN UPCOMING JUNE 6
MEETING WITH JCAB. EMBASSY HAS ENCOURAGED THEM TO DO
SO. IMMEDIACY OF PROBLEM IS, ADMITTEDLY, SOMEWHAT
DILUTED BY FACT THAT OWING TO PILOTS' STRIKE, NO
NORTHWEST FLIGHTS ARE OPERATING HERE.

7. COMMENT: GOJ RESPONSE IS DISAPPOINTING IN THAT
IT DEMONSTRATES NO PROGRESS IN JAPANESE THINKING
AND EVEN POSSIBLE HARDENING, E.G., FIFTH FREEDOM
SLOT QUESTION. IT COULD BE THE BEGINNING OF A LONG
HOT SUMMER.

MANSFIELD

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